



AUG 04 2000

Washington State Legislature

July 18, 2000

Leonard Jordan, State Conservationist
Natural Resource Conservation Service
316 W. Boone Ave.
Suite 450
Spokane, WA. 99201-2348

Dear Mr. Jordan:

Substitute Senate Bill 6781 was passed during the 2000 legislative session to extend the work of the Dairy Nutrient Task Force. One assignment made to the task force is to evaluate how frequently dairy nutrient management plans should be updated.

The legislation enacted in 1998 required elements for dairy plans to be established by November 1, 1998. The 1998 legislation also set a July 1, 2002 deadline for approval of plans and a December 31, 2003 deadline for certification that these plans are fully implemented.

Implementation of the Dairy Nutrient Management Act is an active partnership in that it heavily relies on specifications developed by your federal agency and these form the basis of our state regulatory program. This partnership also relies on a combination of federally and state-funded technicians utilizing a common set of specifications.

Though the state legislature can utilize a set of federal specifications that exist at the time of enactment as a basis for a state regulatory program, serious questions would arise if the state legislature were to delegate to a federal agency authority to establish new regulatory requirements for a state regulatory program. The state legislature can, however, delegate authority to a state agency by granting the state agency rule making authority and thereby make a new specifications part of the state regulatory program.

The purpose of this letter is to request a presentation by your staff at an upcoming meeting of the Dairy Nutrient Task Force on August 22 in Yakima. The requested presentation would focus on anticipated future changes to NRCS dairy nutrient management specifications. The presentation and ensuing discussion is expected to look at a number of issues including:

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1. Do you foresee any changes in federal specifications for dairy nutrient management plans that may need to be implemented by dairy farms in Washington State prior to December 31, 2003? If so, what are some examples? What is the impetus for the changes?
2. If changes are anticipated, what would be the nature and magnitude of modifications likely required in dairy plans and in dairy facilities or operations?
3. What would occur if the state does not incorporate the new NRCS specifications into the state's Dairy Nutrient Management Program?
4. Has NRCS considered when changes might take effect? For example, would they be:
 - (a) Incorporated into all plans whose development commenced after a specific date;
 - (b) Incorporated into plans that have not yet completed the plan development process;
 - (c) Included in all dairy's plans including the approximate 200 that have already received approval by local conservation districts;
 - (d) Applicable only to dairy farms that are seeking federal funds and to plans developed by federally funded technicians; or
 - (e) Phased in on a schedule that is concurrent with comparable state requirements?
5. Has there been an estimate of the amount of time that will be required by technicians to incorporate the anticipated changes into the individual farm plans? Has there been an estimate of the amount of time and resources needed by dairy operators to incorporate such changes?
6. Will the work to incorporate the new specifications into dairy nutrient plans take a higher or lower priority to work needed to develop and implement plans to meet the 2002 and 2003 state statutory deadlines based on existing specifications? Is this additional workload expected to result in an inability to meet the state statutory deadlines?
7. How has the funding level provided for federal technicians that prepare dairy plans for farms in the state of Washington changed in recent years?

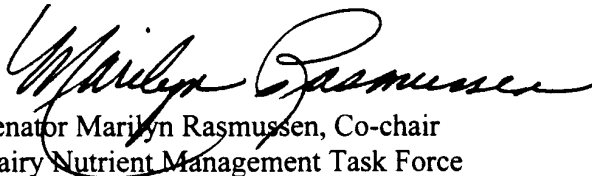
To make arrangements for a specific time on the agenda, please contact Tom Salzer with the State Conservation Commission. His phone is (360) 407-6214.


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The successful implementation of the Dairy Nutrient Management Program in Washington state is heavily dependent on the hard work and contribution of all of the industry, agencies and groups that have dedicated their time and energy to make this program work. We do recognize and appreciate the vital work your agency is doing to help make this program successful.

Your help is greatly appreciated.

Cordially yours,


Senator Marilyn Rasmussen, Co-chair
Dairy Nutrient Management Task Force


Senator Bob Morton, Co-chair
Dairy Nutrient Management Task Force

cc: Task Force Members
